IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 32952 of 2005(W)

PETITIONER:

C.K. SHANMUGHA NARAYANAN,
PROPRIETOR, SREE SHANMUGHA TILES, CHENGALLORE,
VALANJOOPADAM, TRICHUR DISTRICT.

BY ADV. SRI.V.D.BALAKRISHNA KARTHA
SMT.V.K.SHEMEENA

RESPONDENTS:

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1. DISTRICT COLLECTOR, TRICHUR.

2. SUB INSPECTOR OF POLICE,
PUTHUKAD, TRICHUR.

3. ASSISTANT CONTROLLER OF EXPLOSIVES,
AYYANTHOLE, TRICHUR DISTRICT.

4. JOINT CHIEF CONTROLLER OF EXPLOSIVES,
MARSHALLS ROAD, CHENNAI-8.

5. KAPPANI PAULSON,
KAPPANI HOUSE, CHENGALLORE, TRICHUR.

6. HARIDASAN,
ARANAKKAL, CHENGALLORE, TRICHUR.

7. THE SECRETARY,
PUTHUKAD GRAMA PANCHAYATH, CHENGALLORE VILLAGE,
TRICHUR.

8. THE DISTRICT OFFICER,
DEPARTMENT OF GEOLOGY, AYYANTHOLE, TRICHUR.

R1 & R2 BY GOVT.PLEADER SRI.BENJAMIN PAUL.
R3 & R4 BY ADV. SRI.BOBBY MATHEW, CGC
R5 BY ADV.SRI.K.S.BHARATHAN
R7 BY ADV.SRI.P.VIJAYA BHANU.
SRI.P.SANTHOSH (PODUVAL)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).NO.32952/2005

PETITIONER'S EXHIBITS:

EXT.P1- TRUE COPY OF THE PETITION DT.23-9-2005 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P2 - TRUE COPY OF THE PETITION DT.29-10-2005 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P3- TRUE COPY OF THE PETITION DT.29-10-2005 SUBMITTED BY THE PETITIONER TO THE 7TH RESPONDENT.

EXT.P4- TRUE COPY OF THE REPORT DT.29-10-2005 IN MALAYALA MANORAMA DAILY.

RESPONDENTS' EXHIBITS:

EXT.R5(A) - TRUE COPY OF THE PERMIT DT.1-12-2005 ISSUED BY THE GEOLOGIST, DISTRICT OFFICE, DEPARTMENT OF MINING AND GEOLOGY, THRISSUR.

EXT.R5(B)- TRUE COPY OF THE LETTER DT.21-7-2004 ISSUED BY THE 4TH RESPONDENT.

-TRUE COPY-

P.S.TO JUDGE.

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No. 32952 OF 2005-W & I.A.3565 of 2007

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Dated this the 14th day of March, 2007.

JUDGMENT

This writ petition is in relation to an activity of blasting rocks. The learned counsel for the petitioner submits that the matter gains the attention of the District Collector, who has called for a report.

2. I.A.3565/2007 is filed by the contesting 5th respondent stating that he has applied for renewal of licence and that his application for renewal is not being considered on account of the pendency of this writ petition.

3. Having regard to what is aforesaid, without expressing anything on merits, this writ petition is disposed of directing that the parties will be heard by the District Collector and a final decision taken on the objections raised

by the writ petitioner and on the application of the 5th respondent for renewal of licence. In the peculiar facts and circumstances, it is directed that the petitioner and the 5th respondent will appear before the District Collector on the 26th of March, 2007 and the ADM will issue a final decision before the 15th of April, 2007 and the 5th respondent thereafter be entitled to move the competent authority under the Explosive Laws on the strength of such decision by the Collector.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-